

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

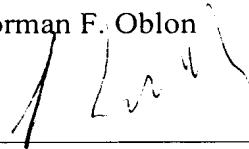
Claims 1, 2, 4 and 6 have been cancelled. Claim 9 has been amended to further recite that the point number related to a reduced consumption of the useful life of the construction machine is based on a value obtained "by subtracting an actual operating time or load ratio from a standard operating time or load ratio only in a case where the actual operating time or load ratio of the construction machine is less than the standard operating time or load ratio." Basis for this is found in allowed Claims 3 and 5. Claims 8 and 10 have been made dependent on Claims 3 and 9, respectively.

As to the rejection of Claim 9 under 35 U.S.C. § 112, first paragraph, this claims has been amended to recite the feature of the allowed claims that the point number is based on a value obtained by subtracting an actual operating time or load ratio from a standard operating time or load ratio only in a case where the actual operating time or load ratio of the construction machine is less than the standard operating time or load ratio. This rejection is therefore believed to be moot.

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early Notice of Allowability.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon



---

Robert T. Pous  
Attorney of Record  
Registration No. 29,099

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 03/06)